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10/608,944	06/27/2003	Michael Price	60001.0249US01/MS302226.1	6981
7590 Christopher J. Leonard Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903		03/21/2007	EXAMINER NGUYEN, TOAN D	
			ART UNIT 2616	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/608,944

Applicant(s)

PRICE ET AL.

Examiner

Toan D. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/27/05.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 11-13, 15, 19, 21 and 31-33 are objected to because of the following informalities:

Claim 11 line 1, it is suggested to change "a remote computing system" to --- the remote computing system ---. Similar problems exist in claim 15 line 1, and claim 21 line 1.

Claim 12 line 2, it is suggested to change "a preferred connectivity source" to --- the preferred connectivity source ---.

Claim 13 line 1, it is suggested to change "whereby selecting one or more available connectivity sources including selecting one of the one or more available connectivity sources" to --- whereby the selected one of the one or more available connectivity sources including the selected one of the one or more available connectivity sources ---.

Claim 19 lines 6 and 7, it is suggested to change "RPC" to --- the RPC ---. Similar problems exist in claim 32 line 10, and claim 33 lines 21 and 22.

Claim 31 line 1, it is suggested to change "connection manager moduel" to --- connection manager module ---.

Claim 32, it is suggested to change "RPC" to --- remote procedure calls (RPC) ---

Claim 33 line 21 and 22, it is suggested to change "HTTP" to --- the HTTP ---.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

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2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 9-17, 20-24, 27-28, and 30-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Li (US 2004/0054804).

For claim 1, Li discloses system and method for failure recovery of high-speed modems, comprising:

monitoring a connectivity status of one or more connectivity sources (page 2, paragraph [0020] lines 4-5);

selecting one of one or more available connectivity sources for use for online communications (page 2, paragraph [0029] lines 3-12);

connecting a user's computer (figure 1, references 10-35, page 2 paragraph [0029] lines 3-5) to a remote computing system (figure 1, references 45 and 50) via the selected available connectivity source (page 2, paragraph [0029] lines 4-5);

if the selected connectivity source is lost, determining whether a second connectivity source is available (page 3, paragraph [0030] lines 3-6); and

if a second connectivity source is available, automatically connecting the user's computer to the remote computing system via the second connectivity source without user action (page 2, paragraph [0023] lines 5-8, and page 3 paragraph [0030] lines 3-8).

For claim 2, Li discloses whereby monitoring the connectivity status of one or more connectivity sources includes monitoring network connectivity hardware at the user's computer (page 3, paragraph [0030]).

For claim 3, Li discloses further comprising monitoring whether the user's computer is wired to a connectivity source (page 2, paragraph [0029] lines 5-6).

For claim 4, Li discloses further comprising monitoring whether signaling is received from a connectivity source via a wired connection (page 2, paragraph [0029] lines 5-6).

For claim 5, Li discloses further comprising monitoring whether the user's computer includes a wireless access card or antenna (page 2, paragraph [0029] lines 6-8).

For claim 6, Li discloses further comprising monitoring whether signaling is received via the wireless access card or antenna from a connectivity source (page 2, paragraph [0029] lines 6-8).

For claim 7, Li discloses whereby monitoring the connectivity status of one or more connectivity sources includes determining the data transfer speed and bandwidth capacity associated with a given connectivity source (page 2, paragraph [0020]).

For claim 9, Li discloses after monitoring the connectivity status of one or more connectivity sources, reporting the connectivity status to a network connection manager module (figure 2, reference 80, page 3, paragraph [0036]).

For claim 10, Li discloses further comprising reporting the connectivity status to a user's computer operating system (page 3, paragraph [0034]).

For claim 11, Li discloses prior to connecting the user's computer (figure 1, references 10-35) to a remote computing system (figure 1, references 45 and 50) via the selected available connectivity source, determining which of one or more available connectivity sources is a preferred connectivity source (page 2, paragraph [0029]).

For claim 12, Li discloses whereby determining which of one or more connectivity sources is a preferred connectivity source includes determining which of one or more available connectivity sources has a highest bandwidth capacity (page 2, paragraph [0029]).

For claim 13, Li discloses whereby selecting one or more available connectivity sources includes selecting one of the one or more available connectivity sources (page 2, paragraph [0029]) for connecting a software application in use on the user's computer to a remote server (figure 1, reference 10) for online communication services (page 3, paragraph [0032]).

For claim 14, Li discloses further comprising connecting the software application to a remote software application at the remote server for online communication services (page 3, paragraph [0032]).

For claim 15, Li discloses whereby connecting the user's computer to a remote computing system via the selected available connectivity source includes directing a connection software module to provide a provider connection software module with the selected available connectivity source (page 3, paragraph [0032]);

causing the provider connection software module to connect the user's computer to the remote computing system via the selected connectivity source (page 3,

paragraph [0032]); and

directing an exchange provider software module to begin passing data calls from the user's computer to the remote computing system via the selected connectivity source (page 3, paragraph [0032]).

For claim 16, Li discloses further comprising communicating between the user's computer and the remote computing system via the selected connectivity source (page 3, paragraph [0032]).

For claim 17, Li discloses further comprising communicating via the selected connectivity source using a transmission control protocol/Internet protocol (TCP/IP) communication (page 1, paragraph [0005]).

For claim 20, Li discloses whereby monitoring the connectivity status of one or more connectivity sources includes determining whether a presently in use connectivity source is disabled (page 3, paragraph [0036]).

For claim 21, Li discloses further comprising determining whether a remote computing system with which the user's computer is communicating becomes disabled from communication with the user's computer (page 3, paragraph [0030] lines 3-6).

For claim 22, Li discloses whereby monitoring the connectivity status of one or more connectivity sources includes determining whether an available alternate connectivity source from the connectivity source presently in use is a preferred connectivity source (page 2, paragraph [0029]).

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For claim 23, Li discloses further comprising determining whether an alternate connectivity source provides a higher bandwidth capacity from the connectivity source presently in use (page 2, paragraph [0029]).

For claim 24, Li discloses whereby if an available alternate connectivity source is a preferred connectivity source, automatically connecting the user's computer to the remote computing system via the alternate connectivity source (page 2, paragraph [0029]).

For claim 27, Li discloses further comprising notifying a user of the user's computer of any changes in connectivity status (page 3, paragraph [0036]).

For claim 28, Li discloses system and method for failure recovery of high-speed modems, comprising:

- a connection manager module operative ((figure 2, reference 80)

- to monitor a connectivity status of one or more connectivity sources (page 2, paragraph [0020] lines 4-5);

- to select one of one or more available connectivity sources for use for online communications (page 2, paragraph [0029] lines 3-12);

- to connect a client application (figure 1, references 10-35, page 2 paragraph [0029] lines 3-5) to a remote application (figure 1, references 45 and 50) via the selected available connectivity source (page 2, paragraph [0029] lines 4-5);

- to determine whether a second connectivity source is available if the selected connectivity source is lost (page 3, paragraph [0030] lines 3-6); and

- to automatically connect the client application to the remote application via



the second connectivity source without user action if a second connectivity source is available (page 2, paragraph [0023] lines 5-8, and page 3 paragraph [0030] lines 3-8).

For claim 30, Li discloses whereby the connection manager module is further operative to receive a preferred connectivity source for a computer operating system through which the client application is operating and to automatically connect the client application to the remote application via the preferred connectivity source if the preferred connectivity source is available (page 2, paragraph [0023] lines 5-8).

For claim 31, Li discloses whereby the connection manager module is further operative to direct a connection module to provide a provider connection software module with the selected available connectivity source (page 3, paragraph [0032]);

to direct the provider connection software module to connect the user's computer to the remote computing system via the selected connectivity source (page 3, paragraph [0032]); and

to direct an exchange provider software module to begin passing data calls from the user's computer to the remote computing system via the selected connectivity source (page 3, paragraph [0032]).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 8, 18, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li (US 2004/0054804) in view of Hanson et al. (US 7,136,645).

For claims 8, 18, and 29, Li discloses whereby monitoring (page 2, paragraph [0020] line 4-6) the connectivity status of one or more connectivity sources (page 2, paragraph [0029]. However, Li does not expressly disclose monitoring the connectivity status by a network location awareness (NLA) application programming interface (API). In an analogous art, Hanson et al. disclose monitoring the connectivity status by a network location awareness (NLA) application programming interface (API)(figure 3, reference 206, col. 15 line27-29).

Hanson et al. disclose further comprising communicating by remote procedure calls (RPC) between the user's computer and the remote computing system over the TCP/IP communication connection (col. 11 lines 1-10 as set forth in claim 18).

For claim 29, Li discloses whereby the connection manager module is further operative to communicate to monitor network connectivity hardware at the user's

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computer (page 3, paragraph [0030]); to monitor whether the user's computer is wired to a connectivity source (page 2, paragraph [0029] lines 5-6); to monitor whether signaling is received from a connectivity source via a wired connection (page 2, paragraph [0029] lines 5-6); to monitor whether the user's computer includes a wireless access card or antenna (page 2, paragraph [0029] lines 6-8); to monitor whether signaling is received via the wireless access card or antenna from a connectivity source (page 2, paragraph [0029] lines 6-8); to determine the data transfer speed and bandwidth capacity associated with a given connectivity source (page 2, paragraph [0020]); and to report the connectivity status to the connection manager module (figure 2, reference 80, page 3, paragraph [0036]); and Hanson et al. in view of Li disclose further operative to communicate with a network location awareness (NLA) application programming interface (API)(figure 3, reference 206, col. 15 lines 27-29 as set forth in claim 29).

One skilled in the art would have recognized the monitoring the connectivity status by a network location awareness (NLA) application programming interface (API), and would have applied Hanson et al.'s API in Li's detect the high-speed modem. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Hanson et al.'s method and apparatus for providing mobile and other intermittent connectivity in a computing environment in Li's system and method for failure recovery of high-speed modems with the motivation being shared sufficient knowledge of the connection state to maintain a coherent logical link at all times- even during physical interruption (col. 15 lines 34-38).

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7. Claims 19, and 32-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li (US 2004/0054804) in view of Blount et al. (US 6,070,184) further in view of Hanson et al. (US 7,136,645).

For claim 19, Li does not expressly disclose whereby if communication using the TCP/IP communication connection fails, determining whether the user's computer is configured to communicate over the selected or second connectivity source using remote procedure calls over a hypertext transfer protocol (HTTP) communication connection; and if the user's computer is configured to communicate over the selected or second connectivity sources using RPC over HTTP communication connection, connecting the user's computer to the remote application via RPC over HTTP communication connection via the selected or second connectivity source. In an analogous art, Blount et al. disclose if communication using the TCP/IP communication connection fails, determining whether the user's computer is configured to communicate over the selected or second connectivity source using remote procedure calls over a hypertext transfer protocol (HTTP) communication connection (col. 6 line 53).

One skilled in the art would have recognized the if communication using the TCP/IP communication connection fails, determining whether the user's computer is configured to communicate over the selected or second connectivity source using remote procedure calls over a hypertext transfer protocol (HTTP) communication connection, and would have applied Blount et al.'s a hypertext transfer protocol (HTTP) communication connection in Li's detect the high-speed modem. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use

Blount et al.'s server-side asynchronous form management in Li's system and method for failure recovery of high-speed modems with the motivation being to communicate with an Internet web server (col. 6 lines 54-55).

Moreover, Li in view of Blount et al. does not expressly disclose if the user's computer is configured to communicate over the selected or second connectivity sources using RPC over HTTP communication connection, connecting the user's computer to the remote application via RPC over HTTP communication connection via the selected or second connectivity source. In an analogous art, Hanson et al. disclose if the client application is configured to communicate over the selected or second connectivity sources using RPC over HTTP communication connection, connecting the client application to the remote application via RPC over HTTP communication connection via the selected or second connectivity source (col. 11 lines 5-8).

One skilled in the art would have recognized the if the user's computer is configured to communicate over the selected or second connectivity sources using RPC over HTTP communication connection, connecting the user's computer to the remote application via RPC over HTTP communication connection via the selected or second connectivity source, and would have applied Hanson et al.'s RPC in Li's detect the high-speed modem. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Hanson et al.'s method and apparatus for providing mobile and other intermittent connectivity in a computing environment in Li's system and method for failure recovery of high-speed modems with the motivation being transported using the same such standard transport level protocols (col. 11 lines 1-10).

For claim 32, Li does not expressly disclose whereby the connection manager is further operative to determine whether the client application is configured to communicate over the selected connectivity source using remote procedure calls over a hypertext transfer protocol (HTTP) communication connection, if communication using a TCP/IP communication connection fails; and to connect the client application to the remote application by RPC over the HTTP communication connection via the selected connectivity source, if the user's computer is configured to communicate over the selected connectivity sources using RPC over the HTTP communication connection. In an analogous art, Blount et al. disclose a hypertext transfer protocol (HTTP) communication connection, if communication using a TCP/IP communication connection fails (col. 6 line 53).

One skilled in the art would have recognized the hypertext transfer protocol (HTTP) communication connection, if communication using a TCP/IP communication connection fails, and would have applied Blount et al.'s a hypertext transfer protocol (HTTP) communication connection in Li's detect the high-speed modem. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Blount et al.'s server-side asynchronous form management in Li's system and method for failure recovery of high-speed modems with the motivation being to communicate with an Internet web server (col. 6 lines 54-55).

Moreover, Li in view of Blount et al. does not expressly disclose whereby the connection manager is further operative to determine whether the client application is configured to communicate over the selected connectivity source using remote

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procedure calls over a hypertext transfer protocol (HTTP) communication connection, if communication using a TCP/IP communication connection fails. In an analogous art, Hanson et al. disclose whereby the connection manager is further operative to determine whether the client application is configured to communicate over the selected connectivity source using remote procedure calls over a hypertext transfer protocol (HTTP) communication connection, if communication using a TCP/IP communication connection fails (col. 11 lines 5-8).

One skilled in the art would have recognized the whereby the connection manager is further operative to determine whether the client application is configured to communicate over the selected connectivity source using remote procedure calls over a hypertext transfer protocol (HTTP) communication connection, if communication using a TCP/IP communication connection fails, and would have applied Hanson et al.'s RPC in Li's detect the high-speed modem. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Hanson et al.'s method and apparatus for providing mobile and other intermittent connectivity in a computing environment in Li's system and method for failure recovery of high-speed modems with the motivation being transported using the same such standard transport level protocols (col. 11 lines 1-10).

For claims 33, 40, and 47, Li discloses system and method for failure recovery of high-speed modems, comprising:

monitoring a connectivity status of one or more connectivity sources (page 2, paragraph [0020] lines 4-5);

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selecting one of one or more available connectivity sources for use for online communications (page 2, paragraph [0029] lines 3-12);

connecting a user's computer (figure 1, references 10-35, page 2 paragraph [0029] lines 3-5) to a remote computing system (figure 1, references 45 and 50) via the selected available connectivity source (page 2, paragraph [0029] lines 4-5);

if the selected connectivity source is lost, determining whether a second connectivity source is available (page 3, paragraph [0030] lines 3-6); and

if a second connectivity source is available, automatically connecting the user's computer to the remote computing system via the second connectivity source without user action (page 2, paragraph [0023] lines 5-8, and page 3 paragraph [0030] lines 3-8);

communicating via the selected or the second connectivity source using a transmission control protocol/Internet protocol (TCP/IP) communication (page 1, paragraph [0005] lines 5-7).

However, Li does not expressly disclose if communication using the TCP/IP communication connection fails, determining whether the client application is configured to communicate over the selected or second connectivity source using remote procedure calls over a hypertext transfer protocol (HTTP) communication connection; and

if the client application is configured to communicate over the selected or second connectivity sources using RPC over HTTP communication connection, connecting the client application to the remote application via RPC over HTTP communication connection via the selected or second connectivity source.



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In an analogous art, Blount et al. disclose if communication using the TCP/IP communication connection fails, determining whether the client application is configured to communicate over the selected or second connectivity source using remote procedure calls over a hypertext transfer protocol (HTTP) communication connection (col. 6 line 53).

Blount et al. disclose whereby if a second connectivity source is not available, automatically switching the client application from an online to an offline state (col. 8 line 44 as set forth in claim 47).

One skilled in the art would have recognized the if communication using the TCP/IP communication connection fails, determining whether the client application is configured to communicate over the selected or second connectivity source using remote procedure calls over a hypertext transfer protocol (HTTP) communication connection, and would have applied Blount et al.'s a hypertext transfer protocol (HTTP) communication connection in Li's detect the high-speed modem. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Blount et al.'s server-side asynchronous form management in Li's system and method for failure recovery of high-speed modems with the motivation being to communicate with an Internet web server (col. 6 lines 54-55).

Moreover, Li in view of Blount et al. does not expressly disclose if the client application is configured to communicate over the selected or second connectivity sources using RPC over HTTP communication connection, connecting the client application to the remote application via RPC over HTTP communication connection via

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the selected or second connectivity source. In an analogous art, Hanson et al. disclose if the client application is configured to communicate over the selected or second connectivity sources using RPC over HTTP communication connection, connecting the client application to the remote application via RPC over HTTP communication connection via the selected or second connectivity source (col. 11 lines 5-8).

Hanson et al. disclose whereby monitoring the connectivity status of one or more connectivity sources includes monitoring the connectivity status by a network location awareness (NLA) application programming interface (API) (figure 3, reference 206, col. 15 line 27-29 as set forth in claim 40).

One skilled in the art would have recognized the disclose if the client application is configured to communicate over the selected or second connectivity sources using RPC over HTTP communication connection, connecting the client application to the remote application via RPC over HTTP communication connection via the selected or second connectivity source, and would have applied Hanson et al.'s RPC in Li's detect the high-speed modem. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Hanson et al.'s method and apparatus for providing mobile and other intermittent connectivity in a computing environment in Li's system and method for failure recovery of high-speed modems with the motivation being transported using the same such standard transport level protocols (col. 11 lines 1-10).

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For claim 34, Li discloses whereby monitoring the connectivity status of one or more connectivity sources includes monitoring network connectivity hardware at a user's computer on which the client application is running (page 3, paragraph [0030]).

For claim 35, Li discloses further monitoring whether the user's computer is wired to a connectivity source (page 2, paragraph [0029] lines 5-6).

For claim 36, Li discloses further comprising monitoring whether signaling is received from a connectivity source via a wired connection (page 2, paragraph [0029] lines 5-6).

For claim 37, Li discloses further comprising monitoring whether the user's computer includes a wireless access card or antenna (page 2, paragraph [0029] lines 6-8).

For claim 38, Li discloses further comprising monitoring whether signaling is received via the wireless access card or antenna from a connectivity source (page 2, paragraph [0029] lines 6-8).

For claim 39, Li discloses whereby monitoring the connectivity status of one or more connectivity sources includes determining the data transfer speed and bandwidth capacity associated with a given connectivity source (page 2, paragraph [0020]).

For claim 41, Li discloses whereby connecting the client application to a remote application via the selected available connectivity source includes directing a connection software module to provide a provider connection software module with the selected available connectivity source (page 3, paragraph [0032]);

causing the provider connection software module to connect the user's computer

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to the remote computing system via the selected connectivity source (page 3, paragraph [0032]); and

directing an exchange provider software module to begin passing data calls from the user's computer to the remote computing system via the selected connectivity source (page 3, paragraph [0032]).

For claim 42, Li discloses whereby monitoring the connectivity status of one or more connectivity sources includes determining whether a presently in use connectivity source is disabled (page 3, paragraph [0036]).

For claim 43, Li discloses further comprising determining whether a remote application with which the client application is communicating becomes disabled from communication with the user's computer (page 3, paragraph [0030] lines 3-6).

For claim 44, Li discloses whereby monitoring the connectivity status of one or more connectivity sources includes determining whether an available alternate connectivity source from the connectivity source presently in use is a preferred connectivity source (page 2, paragraph [0029]).

For claim 45, Li discloses further comprising determining whether an alternate connectivity source provides a higher bandwidth capacity from the connectivity source presently in use (page 2, paragraph [0029]).

For claim 46, Li discloses whereby if an available alternate connectivity source is a preferred connectivity source, automatically connecting the client application to the remote application via the alternate connectivity source (page 2, paragraph [0029]).

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8. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li (US 2004/0054804) in view of Blount et al. (US 6,070,184).

For claims 25-26, Li does not expressly disclose whereby if a second connectivity source is not available, automatically switching the user's computer from an online to an offline state. In an analogous art, Blount et al. disclose whereby if a second connectivity source is not available, automatically switching the client application from an online to an offline state (col. 8 line 44).

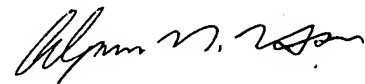
One skilled in the art would have recognized the whereby if a second connectivity source is not available, automatically switching the client application from an online to an offline state, and would have applied Blount et al.'s offline state in Li's detect the high-speed modem. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Blount et al.'s server-side asynchronous form management in Li's system and method for failure recovery of high-speed modems with the motivation being to provide for disconnected operation when the remote/mobile data processing system is not linked to a computer with access to a server application (col. 8 lines 34-36).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D. Nguyen whose telephone number is 571-272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TN  
TNALPUS H. HSU  
PRIMARY EXAMINER